



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JOHN D. CHERRY, JR.
LT. GOVERNOR

EXECUTIVE ORDER

No. 2005 – 14

DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF LONG-TERM CARE SUPPORTS AND SERVICES

MICHIGAN LONG-TERM CARE SUPPORTS AND SERVICES ADVISORY COMMISSION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor is responsible for taking care that the laws be faithfully executed;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, Michigan's publicly-supported system of long-term care must be provided in an integrated and coordinated manner, and must focus on the provision of adequate supports and services, and care for consumers in an efficient, effective, and accountable manner;

WHEREAS, consumers and the families or advocates involved with and most affected by Medicaid long-term care services and supports should be consulted on an on-going basis about ways to improve the quality and delivery of long-term care services and supports;

WHEREAS, Michigan's long-term care system must seek to provide effective public education about the options and settings for long-term services and supports and provide timely and informed access to those options through person-centered planning;

WHEREAS, the Michigan Medicaid Long-Term Care Task Force established by Executive Order 2004- 1, has completed its work and submitted it's final report and recommendations;

WHEREAS, there is a need to take immediate initial steps to begin moving toward the implementation of recommendations made by the Michigan Medicaid Long-Term Care Task Force;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Commission" means the Michigan Long-Term Care Supports and Services Advisory Commission created within the Department under this Order.

B. "Department of Community Health" or "Department" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the "Department of Community Health" under Executive Order 1996-1, MCL 330.3101.

C. "Office" means the Michigan Office of Long-Term Care Supports and Services created within the Department under this Order.

D. "Office of Services to the Aging" means the Office of Services to the Aging created within the Department of Management and Budget under Section 5 of the Older Michiganians Act, 1981 PA 180, MCL 400.585, and transferred to the Department of Community Health by Executive Order 1997-5, MCL 400.224.

E. "Task Force" means the Michigan Medicaid Long-Term Care Task Force created under Executive Order 2004-1.

II. CREATION OF OFFICE OF LONG-TERM CARE SUPPORTS AND SERVICES

A. The Office of Long-Term Care Supports and Services is created within the Department of Community Health. The authority, powers, duties, and functions of the Office, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the Director of the Department.

B. Staff of the Office shall be designated by the Director of the Department as he or she deems appropriate and sufficient to perform the duties and fulfill the responsibilities of the Office under this Order. The Department initially shall be staffed by reallocating resources from the following organizational units or programs within the Department:

1. The Health Policy, Regulation, and Professions Administration of the Bureau of Health Professions.

2. The Health Policy, Regulation, and Professions Administration of the Bureau of Health Services.

3. The Medical Services Administration.

4. The Mental Health and Substance Abuse Services Administration.

5. The Office of Services to the Aging.

C. The Office shall be headed by the Director of the Office of Long-Term Care Supports and Services who shall be a member of the state classified service and report to the Director of the Department.

D. The Office shall do all of the following:

1. Administer activities to implement the recommendations of the Task Force.

2. Coordinate state planning for long-term care supports and services.

3. Review and approve long-term care supports and services policy formulated by state departments and agencies for adoption or implementation.

4. Conduct efficiency, effectiveness, and quality assurance reviews of publicly-funded long-term care programs.

5. Identify and make recommendations to the Director of the Department regarding opportunities to increase consumer supports and services, organizational efficiency, and cost-effectiveness within Michigan's long-term care system.

6. Prepare an annual report for the Director of the Department and the Governor on the progress of implementing the recommendations of the Medicaid Long-Term Care Task Force Report.

7. Oversee the implementation of the single point-of-entry demonstration programs required under Section VI.

E. The Office shall assume the functions performed by the Department's Office of Long-Term Care Supports and Services prior to the effective date of this Order.

III. CREATION OF THE MICHIGAN LONG-TERM CARE SUPPORTS AND SERVICES COMMISSION

A. The Michigan Long-Term Care Supports and Services Advisory Commission is created as an advisory body within the Department as a forum for the discussion of issues relating to the provision of long-term care supports and services in Michigan.

B. The Commission shall consist of 15 members appointed by the Governor, including each of the following:

1. Eight members representing primary or secondary consumers of long-term care supports and services.

2. Three members representing providers of Medicaid-funded long-term care supports and services.

3. Three members representing direct care staff providing long-term care supports and services.

4. One member representing the general public.

C. In addition to the members appointed under Section III.B, the Director of the Department, the Director of the Department of Human Services, the Director of the Department of Labor and Economic Growth, the Director of the Office of Services to the Aging, and the State Long-Term Care Ombudsman, or their designees, shall serve as non-voting *ex-officio* members of the Commission.

D. Except as otherwise provided in this Section III.D, a member of the Commission appointed under Section III.B shall be appointed to serve for a term of 4 years. To provide for staggered terms, of the members initially appointed under Section III.B, 4 members shall be appointed for a term expiring on May 31, 2006, 4 members shall be appointed for a term expiring on May 31, 2007, 4 members shall be appointed for a term expiring on May 31, 2008, and 3 members shall be appointed for a term expiring on May 31, 2009. A member appointed under Section III.B shall continue to serve until a successor is appointed and qualified.

E. A vacancy on the Commission occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

F. The Governor shall designate one of the members of the Commission to serve as its Chairperson. The Commission may select from among its members a Vice-Chairperson.

IV. CHARGE TO THE COMMISSION

A. The Commission shall act in an advisory capacity and shall do all of the following:

1. Review and monitor the implementation of recommendations of the Task Force.
2. Review and comment upon quality assurance reviews of Michigan's long-term care system.
3. Serve in an effective and visible consumer advocacy role for improving the quality of, and access to, long-term care supports and services.
4. Participate in the preparation and review of an on-going, comprehensive statewide plan and resources plan for long-term care supports and services to address and meet identified consumer preferences and needs.
5. Ensure the broadest possible on-going public participation in statewide planning.
6. Promote broad, culturally competent, and effective public education initiatives about long-term care issues and choices and provide opportunities for direct involvement by the public.
7. Recommend a performance evaluation of the single point of entry demonstration programs required by this Order and make recommendations for the improvement of the single point of entry system in this state.
8. Discuss potential changes in policy that would encourage more effective provision of long-term care supports and services.

B. The Commission shall provide other information, recommendations, or advice relating to long-term care supports and services as requested by the Governor or the Director of the Department.

V. OPERATIONS OF THE COMMISSION

A. The Commission shall be staffed and assisted by personnel from the Office, subject to available funding. Any budgeting, procurement, and related management functions of the Commission shall be performed under the direction and supervision of the Director of the Department.

B. The Commission shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. The Commission shall select from among its members a Secretary. Commission staff shall assist the Secretary with recordkeeping responsibilities.

D. A majority of the members serving on the Commission constitutes a quorum for the transaction of the Commission's business. The Commission shall act by a majority vote of its serving members.

E. The Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission.

F. The Commission may establish committees and request public participation on workgroups as the Commission deems necessary. The Commission may also adopt, reject, or modify any recommendations proposed by a committee or a workgroup.

G. The Commission may, as appropriate, make inquiries, conduct studies, conduct investigations, hold hearings, and receive comments from the public. The Commission may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

H. Members of the Commission shall serve without compensation. Members of the Commission may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available funding.

I. The Commission may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Commission and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

J. The Commission may accept donations of labor, services, or other things of value from any public or private agency or person.

K. Members of the Commission shall refer all legal, legislative, and media contacts to the Department.

VI. SINGLE POINT-OF-ENTRY DEMONSTRATION PROGRAMS

A. By June 30, 2006, the Department shall establish not less than 3 single point-of-entry demonstration programs for the delivery of long-term care supports and services. At least one of the programs must be located in an urban area and at least one of the programs must be located in a rural area.

B. The Department shall conduct evaluations of the efficiency and effectiveness of the demonstration programs in meeting expectations for single point-of-entry initiatives identified in the report issued by the Task Force.

C. In developing the single point-of-entry demonstration programs, the Department shall use a collaborative model. The Office of Services to the Aging and the Department of Human Services shall cooperate with the Department in the implementation of this Section IV.

VII. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Commission, or to any member or representative of the Commission any necessary assistance required by the Commission, or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Commission.

B. To implement the requirements of this Order, the Director of the Department is authorized to establish the internal organization of the Department and allocate and reallocate duties and functions to promote economic and efficient administration and operation of the Department as authorized by Section 7 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.107.

C. Nothing in this Order shall be construed to change the organization of the executive branch of state government or the assignment of functions among its units in a manner requiring the force of law pursuant to Section 2 of Article 5 of the Michigan Constitution of 1963.

D. As the Medicaid Long-Term Care Task Force created by Executive Order 2004-1 has completed the work for which it was created, the Task Force is abolished. Executive Order 2004-1 is rescinded in its entirety.

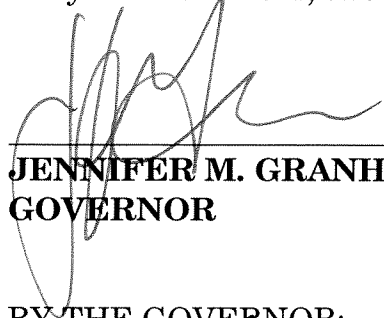
E. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order

F. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 9th day of June, in the year of our Lord, two thousand and five.




JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:


SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 6-9-05 AT 9:38 AM